

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL COOK	:	CIVIL ACTION
	:	
v.	:	
	:	NO. 14-5842
CITY OF PHILADELPHIA	:	

ORDER

AND NOW, this 2nd day of March 2015, upon consideration of Defendant's Motion to Dismiss pursuant to Fed.R.Civ.P. 12(b)(6) (ECF Doc. No. 4), Plaintiff's Response in Opposition (ECF Doc. No. 5), and Defendant's Reply (ECF Doc. No. 8), it is **ORDERED** that the Defendant's Motion is **GRANTED IN PART** and **DENIED IN PART**.

1. The Court denies Defendant's motion to dismiss Plaintiff's claim under the Rehabilitation Act, 29 U.S.C. §701 *et seq.*

2. The Court grants Defendant's motion to dismiss Plaintiff's claim under Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §12101 *et seq.*

3. Defendant shall file an Answer to Count I of the Complaint no later than Monday, March 16, 2015.



KEARNEY, J.